## Remarks/Arguments

Claims 1-23 remain in the application. Claims 16-23 are amended.

Claims 16-20 have been amended in order to avoid invoking 35 U.S.C. 112, sixth paragraph. In particular, all instances of phrases such as --the steps of--, and -- the step of-- have been deleted. Applicant wishes to note for the record that the amendments are not intended to be narrowing, nor are the amendments being made for a reason related substantially to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

### Claim Rejections Under 35 USC § 112

> Claim 16, and claims 17-18 which depend from claim 16, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the preamble of claims 16-18 in order to provide a better understanding of the claimed subject matter defined by the limitations of claims 16-18. Furthermore, Applicant wishes to note for the record that the amendments are not intended to be narrowing, nor are the amendments being made for a reason related substantially to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

Applicant respectfully submits that the term "void" is well known and frequently used by those skilled in the art for describing something that is "empty", "vacant", "without contents", or "unfilled". In particular, the term is used to describe a device such as a memory that hasn't been used and is empty.

As described in the fourth paragraph on page 4, capacitive fingerprint sensors are fragile and are subject to damage after repeated application of pressure from a fingertip, requiring replacement of the fingerprint sensor. Unfortunately, secure replacement of a fingerprint sensor is not possible in accordance with the present technology. For example,

if a fingerprint is used to secure encryption keys, then damage to the sensor results in the keys being lost or the keys being available to the technician replacing the sensor. Either way, the entire security apparatus is compromised by making existing data inaccessible or by making the secret keys accessible. A solution to this problem is disclosed on page 13 second paragraph teaching that due to failure of the biometric imaging device it is necessary to copy the second data to another biometrically secured memory IC, followed by a detailed description of the method defined by the limitation of claims 16-18 in the third paragraph.

Therefore, Applicant respectfully submits that based on the teachings on pages 4 and 13 one of skill in the art is able to determine with reasonable implication the meaning of the term "void" as empty. In other words, to one of skill in the art it is clear that the method defined by the limitations of claims 16-18 enables copying of secure data from a first biometrically secured memory IC having, for example, a defective fingerprint sensor to an empty second biometrically secured memory IC, for example, a new replacement device.

Furthermore, regarding Examiner's second rejection under 35 U.S.C. 112, second paragraph, Applicant respectfully submits that claims 16-18 distinctly claim the subject matter applicant regards as the invention.

Considering claim 16, Applicant claims (emphasis mine) a method for copying digital data **from a first biometrically secured memory IC to a** void **second biometrically memory IC** comprising:

a) establishing a trusted communication link **between the first biometrically secured memory IC and the second biometrically secured memory IC**, wherein **each of the first and the second biometrically secured memory IC comprise** a biometric sensing device and an integrated circuit, which is irremovably bonded to the biometric sensing device such that the biometric sensing device and the integrated circuit form a single physical unit;

b) transmitting ***first digital data*** indicative of biometric information of an authorized user of the first biometrically secured memory IC ***from first memory*** **of the first biometrically secured memory IC** ***to first memory*** **of the second biometrically secured memory IC** for storage therein; and,

c) transmitting ***second digital data from second memory*** **of the first biometrically secured memory IC** ***to second memory*** **of the second biometrically secured memory IC** for storage therein, wherein the second digital data comprise other digital data than digital data indicative of biometric information of an authorized user.

As is evident to one of skill in the art, the limitations of claim 16 clearly define a communication link between and data transfer from a first biometrically secured memory IC to a second biometrically secured memory IC as indicated through highlighting in bold above. Furthermore, limitation b) clearly defines "transmitting first digital data ...from first memory of the first biometrically secured memory IC to first memory of the second biometrically secured memory IC", and limitation b) clearly defines "transmitting second digital data ...from second memory of the first biometrically secured memory IC to second memory of the second memory IC", as highlighted in bold and italics. In other words, the limitations a) and b) define data transfer from a first and a second memory of the first biometrically secured memory IC to the corresponding first and second memory of the second biometrically secured memory IC. Finally, the limitation a) clearly defines each of the first and the second biometrically secured memory IC comprising a biometric sensing device and an integrated circuit.

Moreover, Applicant respectfully submits that wording such as "the biometric sensor of the second biometrically secured memory IC" is clear, and that the wording suggested by the examiner would render the claims indefinite. For example, naming the biometric sensor of the first biometrically secured memory IC the "first biometric sensor", as suggested by the examiner, has several meanings: the biometric sensor of the first biometrically secured memory IC; the first biometric sensor of the first biometrically

secured memory IC; and the first biometric sensor of the second biometrically secured memory IC.

Applicant respectfully submits that claims 16-18 are in allowable form.

Claim 19, and claims 20-23 which depend from claim 19, are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicant has amended the preamble of claims 19-23 in order to provide a better understanding of the claimed subject matter defined by the limitations of claims 19-23. Furthermore, Applicant wishes to note for the record that the amendments are not intended to be narrowing, nor are the amendments being made for a reason related substantially to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

The claims 19-23 have been rejected for the same reasons as claims 16-18 above. The above arguments apply here mutatis mutandis.

Therefore, Applicant respectfully submits that claims 19-23 are in allowable form.

**Allowable Subject Matter**

Applicant wishes to thank the Examiner for the indication of the allowability of claims 1-15.

**Prior Art**

The art made of record but not relied upon by the examiner has been reviewed but as is evident, none of the prior art teaches anything similar to the instant invention as disclosed and claimed.

Applicant looks forward to favourable reconsideration of the present application.

No new matter has been added.

**Please charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.**

Respectfully submitted,

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